

FILED

FEB 12 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CV-00306-M-RN

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY MLB DEP CLK

CHRISTIAN PROFFITT,)	
)	
Plaintiff,)	
)	
vs.)	PLAINTIFF'S MOTION IN
)	OPPOSITION TO DEFENDANT'S
NORTH CAROLINA DEPARTMENT OF)	MOTION FOR SUMMARY
PUBLIC SAFETY,)	JUDGEMENT [DE 67]
)	
Defendant)	

NOW COMES Plaintiff, Christian Proffitt, proceeding pro se, and respectfully submits this Motion in Opposition to Defendant's Motion for Summary Judgment [DE 67]. In support of this Motion, Plaintiff states the following:

1. Defendant has failed to meet its burden of demonstrating the absence of a genuine dispute of material fact, as required under Rule 56 of the Federal Rules of Civil Procedure.
2. Defendant's Motion relies on mischaracterizations of witness testimony, unfounded procedural objections, and incomplete evidentiary arguments that fail to meaningfully engage with the substance of Plaintiff's claims.
3. Plaintiff has provided ample evidence supporting her claims under the Americans with Disabilities Act (ADA), the Family Medical Leave Act (FMLA), and Title VII of the Civil Rights Act of 1964.
4. Even when viewing the evidence in the light most favorable to Defendant, Defendant has not shown that a reasonable jury could conclude that:


- a. Defendant did not fail to provide a reasonable accommodation to Plaintiff under the ADA;
 - b. Defendant did not discriminate against Plaintiff based on her disability and sex;
 - c. Defendant did not interfere with Plaintiff's FMLA rights;
 - d. Defendant did not subject Plaintiff to a hostile work environment by retaliating against her;
 - e. This retaliation did not lead to Plaintiff's resignation, constituting a constructive discharge.
5. Defendant improperly relies on procedural arguments rather than providing substantive evidence to dispute Plaintiff's factual claims.
6. Plaintiff has provided direct evidence of discriminatory intent, including explicit statements made by Defendant's supervisors linking their adverse actions to Plaintiff's sex and disability-related accommodation request.
7. Plaintiff's evidence, including medical records, deposition testimony, and contemporaneous documentation, establishes a clear and undisputed factual record supporting her claims.
8. Defendant's assertion that Plaintiff's evidence is incompetent or unauthenticated is legally incorrect, as the Federal Rules of Evidence and controlling case law support the admissibility of such evidence at the summary judgment stage.
9. Defendant has failed to offer a legitimate, non-discriminatory justification for the disparate treatment Plaintiff received compared to similarly situated male employees.

10. Given the overwhelming evidence in favor of Plaintiff and Defendant's failure to create a genuine dispute of material fact, Defendant's Motion for Summary Judgment [DE 67] should be denied in its entirety.

WHEREFORE, for the foregoing reasons and for those set forth in Plaintiff's accompanying Memorandum of Law, Plaintiff respectfully requests that this Court:

1. DENY Defendant's Motion for Summary Judgment [DE 67] in its entirety;
2. GRANT Plaintiff's Partial Motion for Summary Judgment [DE 62]; and
3. Grant any other relief that this Court deems just and proper.

This 10th day of January 2025.



Christian Proffitt
1701 H St. NE
Unit 803
Washington, DC 20002
christian.proffitt62@outlook.com

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CV-00306-M-RN

CHRISTIAN PROFFITT,

Plaintiff,

vs.

NORTH CAROLINA DEPARTMENT OF
PUBLIC SAFETY,

Defendant

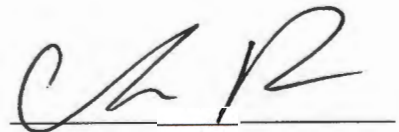
CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2025, a copy of **PLAINTIFF'S MOTION IN
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGEMENT [DE 67]** was
served upon the following person(s) by **EM/CF** as follows:

Manuel C. Davis
N.C. Department of Justice
Public Safety Section
114 W. Edenton St.
Raleigh, North Carolina 27603
mdavis@ncdoj.gov
lcarcioppolo@ncdoj.gov

Orlando Luis Rodriguez
N.C. Department of Justice
Special Litigation Section
114 W. Edenton St.
Raleigh, North Carolina 27603
orodriguez@ncdoj.gov

This 10th day of February 2025.



Christian Proffitt
1701 H St. NE
Unit 803
Washington, DC 20002
christian.proffitt62@outlook.com